

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

Case No. 24-cv-20543-KMW

JUAN MENDEZ,

Plaintiff,

v.

ALPHA & OMEGA CALIBRATION
SERVICES LLC and LIZ Y. LAGO,

Defendants.

**DEFENDANTS' ANSWER, DEFENSES AND AFFIRMATIVE DEFENSES
TO PLAINTIFF'S COMPLAINT**

Defendants, ALPHA & OMEGA CALIBRATION SERVICES LLC (hereinafter "Defendant Alpha & Omega") and LIZ Y. LAGO (hereinafter "Defendant Lago") (collectively referred to as "Defendants") by and through their undersigned counsel hereby serve and file their Answer, Defenses and Affirmative Defenses to Plaintiff's Complaint and respectfully states as follows:

Parties, Jurisdiction and Venue

1. In response to paragraph 1, Defendants deny knowledge or information as to Plaintiff's county of residence and thus, deny same. Defendants deny the remaining allegations contained in said paragraph.
2. In response to paragraph 2, Defendants state that this paragraph sets forth a legal conclusion. To the extent a response is required, Defendant Lago denies the factual allegations contained in said paragraph. Defendant Alpha & Omega admits that it employed Plaintiff.

3. In response to paragraph 3, Defendant Alpha & Omega admits the allegations contained in said paragraph. Defendant Lago denies the allegations contained in said paragraph.
4. In response to paragraph 4, Defendants deny knowledge or information as to the allegations contained in said paragraph and thus, deny same.
5. In response to paragraph 5, Defendants deny the allegations contained in said paragraph except Defendants admit that Alpha & Omega is a Florida corporation registered with the Florida Department of State, Division of Corporations.
6. In response to paragraph 6, Defendants deny the allegations contained in said paragraph except admit that Defendant Lago is listed as the Managing Member of Alpha & Omega Calibration Services, LLC in the Florida Department of State, Division of Corporations.
7. In response to paragraph 7, Defendants deny the allegations contained in said paragraph except admit that venue is proper in the U.S. District Court, Southern District of Florida.
8. In response to paragraph 8, Defendants admit that this Court has jurisdiction over the claim brought pursuant to the Fair Labor Standards Act and state that Plaintiff is not entitled to any relief.
9. In response to paragraph 9, Defendants deny knowledge or information concerning said allegations and thus, deny same.
10. In response to paragraph 10, Defendants deny knowledge or information concerning said allegations and thus, deny same.

Background Facts

11. In response to paragraph 11, Defendants state that this paragraph sets forth a legal conclusion. To the extent a response is required, Defendant Lago denies the factual

allegations contained in said paragraph. Defendant Alpha & Omega admits that it employed Plaintiff.

12. In response to paragraph 12, Defendants deny the allegations contained in said paragraph except admit that there is enterprise coverage as to Defendant Alpha & Omega.

13. In response to paragraph 13, Defendants deny the allegations contained in said paragraph except admits that Defendant Alpha & Omega is an ISO/IEC 17025 accredited calibration and repair laboratory that serves aviation, automotive, manufacturing, marine, medical and pharmaceutical industries.

14. In response to paragraph 14, Defendants deny the allegations contained in said paragraph.

15. In response to paragraph 15, Defendants deny the allegations contained in said paragraph.

16. In response to paragraph 16, Defendants deny the allegations contained in said paragraph except Defendant Alpha & Omega admits that it has a website listed as www.aocalibration.com.

17. In response to paragraph 17, Defendants deny the allegations contained in said paragraph except admit that there is enterprise coverage as to Defendant Alpha & Omega for the relevant years (2021-2024).

18. In response to paragraph 18, Defendants deny the allegations contained in said paragraph.

19. In response to paragraph 19, Defendants deny the allegations contained in said paragraph except Defendant Alpha & Omega admits that it employed Plaintiff from on or about June 2019 until February 1, 2024, when he was terminated from employment for assaulting a co-worker.

20. In response to paragraph 20, Defendants deny the allegations contained in said paragraph except Defendant Alpha & Omega admits that it required Plaintiff to clock in and out of work using an App called “On the Clock.”

21. In response to paragraph 21, Defendants deny the allegations contained in said paragraph except Defendant Alpha & Omega admits that Defendant Alpha & Omega compensated Plaintiff on an hourly basis.

22. In response to paragraph 22, Defendants deny the allegations contained in said paragraph except admit that there is enterprise coverage as to Defendant Alpha & Omega.

Liability

23. In response to paragraph 23, Defendants deny the allegations contained in said paragraph.

24. In response to paragraph 24, Defendants deny the allegations contained in said paragraph.

25. In response to paragraph 25, Defendants deny the allegations contained in said paragraph.

26. In response to paragraph 26, Defendants deny the allegations contained in said paragraph.

27. In response to paragraph 27, Defendants deny knowledge or information concerning said allegations and thus, deny same.

28. In response to paragraph 28, Defendants deny knowledge or information concerning said allegations and thus, deny same.

29. In response to paragraph 29, Defendants deny the allegations contained in said paragraph and further state that Plaintiff is not entitled to any of the relief requested.

30. In response to the unnumbered WHEREFORE CLAUSE, including subparts (a) through (g), following paragraph 29 of the Complaint, Defendants deny that Plaintiff is entitled to any of the relief requested.

DEMAND FOR JURY TRIAL

31. In response to the paragraph entitled “DEMAND FOR JURY TRIAL” at the conclusion of the Complaint, Defendants aver that Plaintiff has demanded a trial by jury on all issues so triable.

32. Each and every allegation not specifically admitted herein are denied.

DEFENSES AND AFFIRMATIVE DEFENSES

1. Plaintiff was compensated accurately and fully for all hours worked.
2. Plaintiff’s claims are barred in whole or in part by the doctrine of unclean hands.
3. Plaintiff was not engaged in interstate commerce or in the production of goods for interstate commerce.
4. Defendant Lago is not an “employer” as this term is defined by the Fair Labor Standards Act.
5. To the extent that Plaintiff may have worked with or without the actual or constructive knowledge of Defendants, Plaintiff is not entitled to any compensation for any such hours worked.
6. Defendant Alpha & Omega has compensated Plaintiff for the value of his services for the work he performed at Alpha & Omega.
7. Plaintiff’s claims are barred in whole or in part by the applicable statute of limitations.
8. Plaintiff cannot establish a willful violation of the FLSA.
9. Defendants acted in good faith and with reasonable grounds to believe that they were not in violation of the FLSA.
10. Plaintiff’s claims are *de minimus*. Plaintiff’s claims for such amounts are not subject to payment and do not constitute a violation of the FLSA.

11. At all relevant times, Defendants acted in conformity with and in reliance on administrative regulations, orders, rulings, and/or interpretations of any agency of the United States or the administrative practice or enforcement policy of any such agency.
12. Should Plaintiff establish that he is entitled to liquidated damages, he is not entitled to pre-judgment interest.
13. Defendants reserve the right to assert additional defenses as may appear applicable during the course of this litigation.

WHEREFORE, Defendants respectfully request that this Court enter judgment in their favor as to the claims set forth in Plaintiff's Complaint, award Defendants' attorney's fees and costs in the defense of this action and any other relief that this Court deems just and proper.

DATE: April 12, 2024

Respectfully submitted,

FORDHARRISON LLP

/s/ Ena T. Diaz

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Attorney for Defendants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12th day of April, 2024, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record or pro se parties identified on the Service List below in the manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

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